

In accordance with C.F.R. 1.63(d)(iv), the attached Declaration is to be used for the instant continuation application: Clostridial Toxin Disease Therapy

TB299228721US

Serial No: Filed: September 15, 2003

Attorney Docket No.: OPHD-08258

Docket No.: OPHD-00408

DECLARATION FOR PATENT APPLICATION Express Mail Label No.: EV329482611US

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CLOSTRIDIAL TOXIN DISEASE THERAPY**

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claim  
Yes No

Number Country Day/Month/Year Filed

Number Country Day/Month/Year Filed

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No. Filing Date Status: Patented, Pending, Abandoned

Application Ser. No. Filing Date Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: SEAN B. CARROLL, Ph.D.

Inventor's signature:

*Sean B. Carroll*

12/2/92  
Date

Residence: 3066 Streb Way, Cottage Grove, Wisconsin 53527

Citizenship: U.S.A.

Post Office Address: 3066 Streb Way, Cottage Grove, Wisconsin 53527

Full name of second joint inventor: MARGARET B. van BOLDRIK, Ph.D.

Inventor's signature:

*Margaret van Boldrik*

12/2/92  
Date

Residence: 3066 Streb Way, Cottage Grove, Wisconsin 53527

Citizenship: U.S.A.

Post Office Address: 3066 Streb Way, Cottage Grove, Wisconsin 53527

Full name of third joint inventor: CHRISTOPHER M. CLEMENS

Inventor's signature:

*Christopher M. Clemens*

12-02-92  
Date

Residence: 101 Wolf Street, Madison, Wisconsin 53717

Citizenship: U.S.A.

Post Office Address: 101 Wolf Street, Madison, Wisconsin 53717

RECEIVED

FEB 17 1993

HAVERSTOCK, MEDLEN  
CE CARROLL

SAN FRANCISCO, CA 94104

EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

Please use the attached assignment which is from  
a parent application for the instant continuation  
application: Clostridial Toxin Disease Therapy  
Serial No.: Filed: September 15, 2003  
Attorney Docket No.: OPHD-08258  
Express Mail Label No.: EV329482611US



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 05, 2001

PTAS



\*101597096A\*

MEDLEN & CARROLL, LLP  
PETER G. CARROLL  
220 MONTGOMERY STREET, SUITE 2200  
SAN FRANCISCO, CALIFORNIA 94104

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER  
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE  
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA  
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD  
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY  
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.  
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,  
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,  
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/19/2001

REEL/FRAME: 011449/0759  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

OPHIDIAN PHARMACEUTICAL

DOC DATE: 11/16/2000

ASSIGNEE:

PROMEGA CORPORATION  
2800 WOODS HOLLOW ROAD  
MADISON, WISCONSIN 53711

SERIAL NUMBER: 08304602  
PATENT NUMBER:

FILING DATE: 09/12/1994  
ISSUE DATE:

SERIAL NUMBER: 08474570  
PATENT NUMBER:

FILING DATE: 06/06/1995  
ISSUE DATE:

SERIAL NUMBER: 08810908  
PATENT NUMBER:

FILING DATE: 03/05/1997  
ISSUE DATE:

SERIAL NUMBER: 08869881  
PATENT NUMBER:

FILING DATE: 06/05/1997  
ISSUE DATE:

**RECEIVED**

APR 10 2001

**MEDLEN & CARROLL**

SERIAL NUMBER: 08915136  
PATENT NUMBER:

FILING DATE: 08/20/1997  
ISSUE DATE:

SERIAL NUMBER: 08957310  
PATENT NUMBER:

FILING DATE: 10/23/1997  
ISSUE DATE:

SERIAL NUMBER: 09084517  
PATENT NUMBER:

FILING DATE: 05/26/1998  
ISSUE DATE:

SERIAL NUMBER: 09095536  
PATENT NUMBER:

FILING DATE: 06/10/1998  
ISSUE DATE:

SERIAL NUMBER: 09095535  
PATENT NUMBER:

FILING DATE: 06/10/1998  
ISSUE DATE:

SERIAL NUMBER: 09318109  
PATENT NUMBER: 6214343

FILING DATE: 05/24/1999  
ISSUE DATE: 04/10/2001

SERIAL NUMBER: 09325825  
PATENT NUMBER:

FILING DATE: 06/04/1999  
ISSUE DATE:

SERIAL NUMBER: 09334477  
PATENT NUMBER:

FILING DATE: 06/16/1999  
ISSUE DATE:

SERIAL NUMBER: 09429511  
PATENT NUMBER:

FILING DATE: 10/28/1999  
ISSUE DATE:

SERIAL NUMBER: 09587198  
PATENT NUMBER:

FILING DATE: 06/05/2000  
ISSUE DATE:

SERIAL NUMBER: 07429791  
PATENT NUMBER: 5196193

FILING DATE: 10/31/1989  
ISSUE DATE: 03/23/1993

SERIAL NUMBER: 07977583  
PATENT NUMBER: 5340923

FILING DATE: 11/17/1992  
ISSUE DATE: 08/23/1994

SERIAL NUMBER: 08044631  
PATENT NUMBER: 5466672

FILING DATE: 04/08/1993  
ISSUE DATE: 11/14/1995

SERIAL NUMBER: 08072064  
PATENT NUMBER: 6008046

FILING DATE: 06/02/1993  
ISSUE DATE: 12/28/1999

SERIAL NUMBER: 08129027  
PATENT NUMBER: 5605691

FILING DATE: 09/29/1993  
ISSUE DATE: 02/25/1997

SERIAL NUMBER: 08169701  
PATENT NUMBER: 5545721

FILING DATE: 12/17/1993  
ISSUE DATE: 08/13/1996

SERIAL NUMBER: 08161907  
PATENT NUMBER: 5601823

FILING DATE: 12/02/1993  
ISSUE DATE: 02/11/1997

SERIAL NUMBER: 08275304  
PATENT NUMBER: 5443976

FILING DATE: 07/14/1994  
ISSUE DATE: 08/22/1995

011449/0759 PAGE 3

SERIAL NUMBER: 08442000  
PATENT NUMBER: 5904922

FILING DATE: 05/16/1995  
ISSUE DATE: 05/18/1999

SERIAL NUMBER: 08457890  
PATENT NUMBER: 5719267

FILING DATE: 06/01/1995  
ISSUE DATE: 02/17/1998

SERIAL NUMBER: 08456847  
PATENT NUMBER: 5762934

FILING DATE: 06/01/1995  
ISSUE DATE: 06/09/1998

SERIAL NUMBER: 08457048  
PATENT NUMBER: 5814477

FILING DATE: 06/01/1995  
ISSUE DATE: 09/29/1998

SERIAL NUMBER: 08480604  
PATENT NUMBER: 5736139

FILING DATE: 06/07/1995  
ISSUE DATE: 04/07/1998

SERIAL NUMBER: 08816977  
PATENT NUMBER: 6080400

FILING DATE: 03/13/1997  
ISSUE DATE: 06/27/2000

SERIAL NUMBER: 08760903  
PATENT NUMBER: 5998381

FILING DATE: 12/06/1996  
ISSUE DATE: 12/07/1999

SAUNDRA BALLENGER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Please use the attached assignment which is from a parent application for the instant continuation application: Clostridial Toxin Disease Therapy  
Serial No.: Filed: September 15, 2003  
Attorney Docket No.: OPHD-08258  
Express Mail Label No.: EV329482611US



01-29- 101



PATENT  
cket No.: OPHD-03127

101597096

Form PTO-1595

INFORMATION FORM COVER SHEET

U.S. Department of Commerce  
Patent and Trademark Office

## PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

OPHIDIAN PHARMACEUTICAL  
6320 Monona Drive, Ste. 414  
Madison, WI 53716

Additional name(s) of conveying party(ies) attached? No

2. Name and address of receiving party(ies):

PROMEGA CORPORATION  
2800 Woods Hollow Road  
Madison, WI 53711

Additional name(s) & address(es) attached? No

3. Nature of conveyance:

Assignment  
Execution Date: November 16, 2000

4. Application number(s) or patent number(s):

A. Patent Application No.(s):

See Attached "Table of Patents  
and Applications"

B. Patent No.(s):

See Attached "Table of Patents  
and Applications"

Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

Peter G. Carroll  
MEDLEN & CARROLL, LLP  
220 Montgomery Street, Suite 2200  
San Francisco, California 94104

6. Total number of applications and patents involved:  
30

7. Total fee(s):

Check(s) in the amount of \$1,200 enclosed (\$40 for each recordation).

8. Deposit Account Authorization:

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

01/29/2001 DBYRNE 00000034 5196193

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9. Statement and Signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: January 16, 2001

Signature:

Name: Jason R. Bond

Reg. No.: 45,439

Total number of pages including cover sheet, attachments, and document: 4

Please use the attached assignment for the instant  
continuation application: **Clostridial Toxin  
Disease Therapy**

Serial No.: Filed: September 15, 2003

Attorney Docket No.: OPHD-08258

Express Mail Label No.: EV329482611US



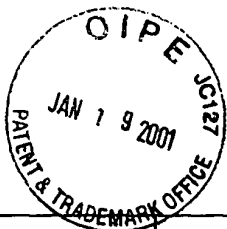
**PATENT**

Attorney Docket No.: **OPHD-03127**

### TABLE of PATENTS and APPLICATIONS

Registration No.	Issue Date	Serial No.	Filing Date	Docket No.
5,196,193	03/23/93	07/429,791	10/31/89	OPHD-00073
5,340,923	08/23/94	07/977,583	11/17/92	OPHD-00457
5,466,672	11/14/95	08/044,641	04/08/93	OPHD-00565
6,008,046	12/28/99	08/072,064	06/02/93	OPHD-00596
5,605,691	02/25/97	08/129,027	09/27/93	OPHD-00712
5,545,721	08/31/96	08/169,701	12/17/93	OPHD-00748
5,601,823	02/11/97	08/161,907	12/02/93	OPHD-00785
5,443,976	08/22/95	08/275,304	07/14/94	OPHD-01048
5,904,922	05/18/99	08/442,000	05/16/95	OPHD-01645
5,719,267	02/17/98	08/457,890	06/01/95	OPHD-01659
5,762,934	06/09/98	08/456,847	06/01/95	OPHD-01761
5,814,477	09/29/98	08/457,048	06/01/95	OPHD-01762
5,736,139	04/07/98	08/480,604	06/07/95	OPHD-01763
6,080,400	06/27/00	08/816,977	03/13/97	OPHD-02450
5,998,381	12/07/99	08/305,411	09/13/94	OPHD-02557
		08/304,602	09/12/94	OPHD-01145
		08/474,570	06/06/95	OPHD-01658
		08/810,908	03/05/97	OPHD-02701
		08/869,881	06/05/97	OPHD-02874
		08/915,136	08/20/97	OPHD-02957
		08/957,310	10/23/97	OPHD-03047
		09/084,517	05/26/98	OPHD-03127
		09/095,536	06/10/98	OPHD-03282
		09/095,535	06/10/98	OPHD-03362
		09/318,109	05/24/99	OPHD-03555

Please use the attached assignment which is from  
a parent application for the instant continuation  
application: **Clostridial Toxin Disease Therapy**  
Serial No.:                      Filed: September 15, 2003  
Attorney Docket No.: OPHD-08258  
Express Mail Label No.: EV329482611US



**PATENT**

Attorney Docket No.: **OPHD-03127**

Registration No.	Issue Date	Serial No.	Filing Date	Docket No.
		09/325,825	06/04/99	OPHD-03760
		09/334,477	06/16/99	OPHD-03795
		09/429,511	10/28/99	OPHD-03898
		09/587,198	06/05/00	OPHD-04445



Please use the attached assignment which is from  
a parent application for the instant continuation  
application: Clostridial Toxin Disease Therapy  
Serial No.: Filed: September 15, 2003  
Attorney Docket No.: OPHD-08258  
Express Mail Label No.: EV329482611US

PATENT  
Attorney Docket No.: OPHD-03127

## ASSIGNMENT

"ASSIGNOR" - OPHIDIAN PHARMACEUTICALS, INC., 6320 Monona Drive, Ste. 414, Madison, Wisconsin, 53716.

"ASSIGNEE" - PROMEGA CORPORATION, 2800 Woods Hollow Road, Madison, Wisconsin, 53711.

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to ASSIGNOR by ASSIGNEE and other good and valuable consideration (set forth in a separate asset sale agreement executed between ASSIGNEE and ASSIGNOR on November 16, 2000), receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred unto said ASSIGNEE, and ASSIGNEE's successors and assigns, all right, title and interest in and to the applications for United States Patent, and issued United States Patents listed in the attached TABLE of PATENTS and APPLICATIONS, and any Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any Patent.

IN TESTIMONY WHEREOF, ASSIGNOR has hereunto signed ASSIGNOR's name to this assignment on the date indicated below.

DATED: 1-16-01

Susan Maynard  
Susan Maynard

STATE OF WISCONSIN )  
COUNTY OF DANE ) ss.

On this 16th day of JANUARY, in the year of 2001, before me, the undersigned notary public, personally appeared the above-named ASSIGNOR, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same.

Mary Ellen Ward  
NOTARY PUBLIC

MY COMMISSION EXPIRES

9-31-2001

SEAL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Sean B. Carroll *et al.*  
Serial No.:  
Filed: 9-15-03  
Entitled: Clostridial Toxin Disease Therapy

Group No.:  
Examiner:

**POWER OF ATTORNEY BY ASSIGNEE**

**Mail Stop Patent Application**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Promega Corporation, as Assignee of record of the entire interest of the above-identified patent application, hereby appoints the members of the firm of MEDLEN & CARROLL, LLP, a firm composed of:

Jaen Andrews	(Reg. No. 35,051)	David A. Casimir	(Reg. No. 42,395)
Tanya A. Arenson	(Reg. No. 47,391)	Maha A. Hamdan	(Reg. No. 43,655)
Jason R. Bond	(Reg. No. 45,439)	Thomas C. Howerton	(Reg. No. 48,650)
Thomas J. Bordner	(Reg. No. 47,436)	J. Mitchell Jones	(Reg. No. 44,174)
Mary Ann D. Brow	(Reg. No. 42,363)	Christine A. Lekutis	(Reg. No. 51,934)
Thomas W. Brown	(Reg. No. 50,002)	Virginia S. Medlen	(Reg. No. 32,050)
Peter G. Carroll	(Reg. No. 32,837)	David J. Wilson	(Reg. No. 45,225)

as its attorneys with full power of substitution to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

Please direct all future correspondence and telephone calls regarding this application to:

Peter G. Carroll	
MEDLEN & CARROLL, LLP	
101 Howard Street, Suite 350	Telephone: 415/904-6500
San Francisco, California 94105	Facsimile: 415/904-6510

I hereby certify that the Assignment document filed with the application or filed subsequent to the filing date of the application, has been reviewed and I hereby certify that, to the best of my knowledge and belief, title is with Promega Corporation.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Promega Corporation  
2800 Woods Hollow Road  
Madison, Wisconsin 53711